



KENTUCKY LABOR CABINET

DEPARTMENT OF WORKPLACE STANDARDS

803 KAR 2:180 - Recordkeeping; Reporting; Statistics

Information Bulletin: Reporting Workplace Fatalities, Amputations, and Hospitalizations

January 2009

803 KAR 2:180 establishes that employers are required to report workplace fatalities, amputations, and hospitalizations to the Division of Occupational Safety and Health Compliance. This document provides information regarding 803 KAR 2:180 and a quick-reference Comparison Table summarizing the reporting requirements.

Section 1. Definitions.

- (1) Amputation means an injury in which a portion of the body including bone tissue is removed.
- (2) Employee is defined by KRS 338.015(2).
- (3) Employer is defined by KRS 338.015(1).
- (4) Occupational Safety and Health Act means KRS Chapter 338.
- (5) Secretary of Labor means the Secretary of the United States Department of Labor or the Secretary of the Labor Cabinet.
- (6) Section 11(c) of the Act means KRS 338.121(3).

Section 2. Employers shall comply with the reporting and recording of occupational injuries and illnesses established at 29 CFR Part 1904, revised as of July 1, 2008, as amended by the definitions in Section 1 above and the requirements in Section 3 below.

Section 3. Reporting fatalities, amputations, or in-patient hospitalizations.

- (1) Employers shall orally report to the Kentucky Labor Cabinet, Department of Workplace Standards, Division of Occupational Safety and Health Compliance, at (502) 564-3070, any work-related incident which results in the following:
 - (a) The death of any employee; or
 - (b) The hospitalization of three (3) or more employees.
- (2) The report required under subsection (1) of this section shall be made within eight (8) hours from when the incident is reported to the employer, the employer's agent, or another employee. If the employer cannot speak with someone in the Frankfort office, the employer shall report the incident using the OSHA toll-free, central telephone number, 1-800-321-OSHA (1-800-321-6742).
- (3) Employers shall orally report to the Kentucky Labor Cabinet, Department of Workplace Standards, Division of Occupational Safety and Health Compliance, at (502) 564-3070, any work-related incident which results in the following:
 - (a) An amputation suffered by an employee; or
 - (b) The hospitalization of fewer than three employees within seventy-two (72) hours following the incident.
- (4) The report required under subsection (3) of this section shall be made within seventy-two (72) hours from when the incident is reported to the employer, the employer's agent, or another employee.

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What employers are covered by 803 KAR 2:180?

The requirements apply to all employers as defined in KRS 338.015. That includes private and public sector general industry, private and public sector construction, and public sector maritime employers.

What are the reporting requirements?

Employers must report any employee death, in-patient hospitalization, and amputation resulting from a work-related incident.

How much time do employers have to report a fatality?

All fatalities must be reported within eight (8) hours.

How much time do employers have to report a hospitalization or amputation?

- Incidents which result in the hospitalization of three (3) or more employees must be reported within eight (8) hours.
- Incidents which result in the hospitalization of one (1) or two (2) employees, if the hospitalization occurs within seventy-two (72) hours of the incident, must be reported within seventy-two (72) hours.
- All amputations must be reported within seventy-two (72) hours of the incident.

What if I don't learn about an incident right away?

If you do not learn of a reportable incident when it occurs, you must make the report within eight (8) or seventy-two (72) hours, depending on the type of incident, from the time the incident is reported to you, your agent(s), or employee(s).

Who do I contact?

Make your report to the Division of Occupational Safety and Health Compliance at (502) 564-3070. If you cannot reach the Division of Compliance, call the OSHA hotline at 1-800-321-OSHA (6742).

What information do I provide?

Provide the following information for each incident:

- The establishment name and address;
- The date and time of the incident;
- The location of the incident;
- The number of fatalities or hospitalized employees;
- The names of affected employees;
- If an amputation, the type of machine and body part amputated;
- A description of the incident; and
- A contact person with his or her phone number.

Additional cost-free assistance is available from:

Division of Education and Training
US HWY 127 South, Suite 4
Frankfort, KY 40601
(502) 564-3070
www.labor.ky.gov

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COMPARISON TABLE

Incident	Reporting Time ¹	Report To	Time Limitation
Fatality	Report within 8 hours	Division of Compliance (502) 564-3070 After Hours (800) 321-6742	Fatalities which occur more than 30 days following an incident are not required to be reported. ²
3 or more employees hospitalized (catastrophe)	Report within 8 hours	Division of Compliance (502) 564-3070 After Hours (800) 321-6742	Catastrophes which occur more than 30 days following an incident are not required to be reported. ²
1 or 2 employees hospitalized	Report within 72 hours	Division of Compliance (502) 564-3070	Hospitalizations which occur more than 72 hours following an incident are not required to be reported.
Amputations	Report within 72 hours	Division of Compliance (502) 564-3070	Not applicable

Notes:

1. Reporting time is the time from which an employer, employer's agent, or another employee first becomes aware of the fatality, hospitalization, or amputation.
2. See 29 CFR 1904.39(b)(6).